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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

NEETA THAKUR, KEN ALEX, NELL GREEN NYLEN, ROBERT HIRST, CHRISTINE PHILLIOU, and JEDDA FOREMAN, on behalf of themselves and all others similarly situated,

**Plaintiff,**

VS.

DONALD J. TRUMP, in his official capacity as President of the United States;  
DEPARTMENT OF GOVERNMENT EFFICIENCY (“DOGE”);  
AMY GLEASON, in her official capacity as Acting Administrator of the Department of Government Efficiency;  
NATIONAL SCIENCE FOUNDATION;

[caption cont'd next page]

Case No. 3:25-cv-04737-RL

## **JOINT CASE MANAGEMENT STATEMENT**

Judge: The Honorable Rita F. Lin

Hearing Date: July 2, 2025  
Time: 11:00 A.M.  
Courtroom: 15 (via videoconference)

1       BRIAN STONE, in his official capacity as  
2       Acting Director of the National Science  
3       Foundation;  
4       NATIONAL ENDOWMENT FOR THE  
5       HUMANITIES;  
6       MICHAEL MCDONALD, in his official  
7       capacity as Acting Chairman of the National  
8       Endowment for the Humanities;  
9       UNITED STATES ENVIRONMENTAL  
10      PROTECTION AGENCY;  
11      LEE ZELDIN, in his official capacity as  
12      Administrator of the U.S. Environmental  
13      Protection Agency;  
14      UNITED STATES DEPARTMENT OF  
15      AGRICULTURE;  
16      BROOKE ROLLINS, in her official capacity  
17      as Secretary of the U.S. Department of  
18      Agriculture;  
19      AMERICORPS (a.k.a. the CORPORATION  
20      FOR NATIONAL AND COMMUNITY  
21      SERVICE);  
22      JENNIFER BASTRESS TAHMASEBI, in her  
23      official capacity as Interim Agency Head of  
24      AmeriCorps;  
25      UNITED STATES DEPARTMENT OF  
26      DEFENSE;  
27      PETE HEGSETH, in his official capacity as  
28      Secretary of the U.S. Department of Defense;  
UNITED STATES DEPARTMENT OF  
EDUCATION;  
LINDA MCMAHON, in her official capacity  
as Secretary of the U.S. Department of  
Education;  
UNITED STATES DEPARTMENT OF  
ENERGY;  
CHRIS WRIGHT, in his official capacity as  
Secretary of Energy;  
UNITED STATES DEPARTMENT OF  
HEALTH AND HUMAN SERVICES;  
ROBERT F. KENNEDY, JR., in his official  
capacity as Secretary of the U.S. Department  
of Health and Human Services;  
UNITED STATES CENTERS FOR DISEASE  
CONTROL;  
MATTHEW BUZZELLI, in his official  
capacity as Acting Director of the Centers for  
Disease Control;  
UNITED STATES FOOD AND DRUG  
ADMINISTRATION;  
MARTIN A. MAKARY, in his official  
capacity as Commissioner of the Food and  
Drug Administration;  
UNITED STATES NATIONAL  
INSTITUTES OF HEALTH;

1 JAYANTA BHATTACHARYA, in his  
2 official capacity as Director of the National  
3 Institutes of Health;  
4 INSTITUTE OF MUSEUM AND LIBRARY  
5 SERVICES;  
6 KEITH SONDERLING, in his official  
7 capacity as Acting Director of the Institute of  
Museum and Library Services;  
8 UNITED STATES DEPARTMENT OF THE  
INTERIOR;  
9 DOUG BURGUM, in his official capacity as  
Secretary of the Interior;  
10 UNITED STATES DEPARTMENT OF  
STATE;  
11 MARCO RUBIO, in his official capacity as  
Secretary of the U.S. Department of State;  
DEPARTMENT OF TRANSPORTATION;  
SEAN DUFFY, in his official capacity as  
Secretary for the U.S. Department of  
Transportation,

12 Defendants.

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1 Plaintiffs and Defendants submit this joint case management in advance of the case  
 2 management conference scheduled for July 2, 2025.

3 **I. JURISDICTION AND SERVICE**

4 Plaintiffs' position is that this Court has subject matter jurisdiction under 28 U.S.C.  
 5 § 1331 because this action arises under federal law, including the United States Constitution,  
 6 federal statutes, and the Administrative Procedure Act, 5 U.S.C. §§ 551 *et seq.*, and 5 U.S.C. §§  
 7 702, 704. Defendants contest jurisdiction for the reasons detailed in their oppositions (Dkts. 35,  
 8 36).

9 Venue is proper in this District pursuant to 28 U.S.C. § 1391(e)(1) because Defendants are  
 10 officers and agencies of the United States served in their official capacities, no real property is at  
 11 issue in this case, and the Plaintiffs and many members of the Proposed Class are citizens of  
 12 California and are residents of this District, where many of the federal grant terminations that are  
 13 the subject of this suit have occurred.

14 All Defendants have been served. Dkts. 23, 24.

15 **II. FACTS**

16 The facts of the case are summarized in the Parties' briefing on Plaintiffs' motion for a  
 17 preliminary injunction (Dkts. 7, 17, 35, 40) and provisional class certification (Dkts. 18, 36, 41)  
 18 and the Court's Order Granting Motion for Preliminary Injunction and Provisional Class  
 19 Certification (the "Injunction Opinion and Order") (Dkts. 54, 55).

20 **III. LEGAL ISSUES**

21 The legal issues in the case are also summarized in the Parties' briefing on Plaintiffs'  
 22 motion for a preliminary injunction (Dkts. 7, 17, 35, 40) and provisional class certification (Dkts.  
 23 18, 36, 41) and the Injunction Opinion and Order (Dkts. 54, 55).

24 **IV. MOTIONS**

25 The Court resolved Plaintiffs' motion for a preliminary injunction and provisional class  
 26 certification in the Injunction Opinion and Order. Dkts. 54, 55. After amending their Complaint to  
 27 add Plaintiffs whose grants were terminated by some or all of the Other Agency Defendants (as  
 28 defined in the Injunction Opinion and Order), Plaintiffs anticipate filing a motion to extend the

1 scope of the Injunction Opinion and Order to include those additional Plaintiffs and agencies.  
 2 After that, and pursuant to Civil Local Rule 16-5, Plaintiffs anticipate moving for summary  
 3 judgment on the administrative record.<sup>1</sup> Should any issues or claims not be suitable for resolution  
 4 via summary judgment, Plaintiffs propose an expedited bench trial to take place in conjunction  
 5 with the summary judgment hearing. Defendants anticipate that any lingering issues following a  
 6 first round of summary judgment briefing could likely be resolved through a second round of  
 7 briefing after supplementation of the factual record. However, if summary judgment is incapable  
 8 of resolving one or more issues or claims, Defendants agree that a bench trial may be appropriate.

9           As set forth below, additional motion practice may be required to address discovery  
 10 and/or administrative record issues. Plaintiffs reserve the right to move to augment the  
 11 administrative record or otherwise challenge the completeness of the administrative record.  
 12 Defendants reserve all rights to oppose any such motion.

13           The Parties agree that Defendants' answer deadline should be stayed until 30 days  
 14 following the Court's resolution of motions for summary judgment if those motions do not fully  
 15 resolve this case.

## 16       **V. AMENDMENT OF PLEADINGS**

17           As noted, Plaintiffs intend to amend their Complaint to add representatives whose grants  
 18 were terminated by some or all of the Other Agency Defendants. Plaintiffs intend to amend their  
 19 complaint by July 18.

## 20       **VI. EVIDENCE PRESERVATION**

21           The Parties are aware of, and will comply with, their obligations to preserve evidence  
 22 relevant to this action. The Parties have reviewed the Guidelines Relating to the Discovery of  
 23 Electronically Stored Information ("ESI") and the Northern District of California's Checklist for  
 24 ESI Meet and Confer.

## 25       **VII. DISCLOSURES**

26           Pursuant to Fed. R. Civ. P. 26(a)(1)(B)(i), actions for review on an administrative record

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27           <sup>1</sup> Plaintiffs reserve the right to seek additional discovery beyond the administrative record if  
 28 warranted and are considering the extent to which targeted deposition testimony may be  
 appropriate to advance the non-APA claims.

1 are exempt from initial disclosure.

2 **VIII. DISCOVERY**

3 The Court previously ordered certain expedited discovery. Dkt. 32. The Parties are  
 4 conferring regarding expedited discovery for the additional Agency Defendants not currently  
 5 subject to the Court’s injunction, which Plaintiffs anticipate will be relevant to their motion to  
 6 extend the scope of preliminary injunction and provisionally certified class. Plaintiffs propose that  
 7 the scope of the expedited discovery for the additional agencies mirror that which the Court  
 8 ordered for the initial three agencies. Dkt. 32.<sup>2</sup>

9 Defendants maintain that expedited discovery should be tailored to facts demonstrating  
 10 the applicability of the Court’s injunction to the additional agencies. For the “form termination  
 11 letter” portion of the Court’s injunction, Defendants propose identifying termination letters, either  
 12 exemplar letters or those of named plaintiffs, for the additional agencies. Those letters would then  
 13 govern briefing on the applicability of that portion of the Court’s injunction to each additional  
 14 agency. For the Executive Orders 14151 and 14173 portion of the Court’s injunction, Defendants  
 15 propose stipulating to the number of active grants to the Regents of California or a University of  
 16 California campus that were terminated on the basis of those Executive Orders; or to state through  
 17 declaration that no active grants were terminated on that basis. Defendants maintain that the  
 18 letters and stipulations or declarations would, together, provide all the information required to  
 19 resolve the applicability of the Court’s injunction as to the additional defendants.<sup>3</sup> Defendants  
 20 expect to produce expedited discovery for the additional Agency Defendants by July 25, 2025.

21 The Parties are also conferring regarding additional discovery, including on: (a) the  
 22 number of grants awarded to UC researchers and terminated by National Institutes of Health that  
 23 are not covered by the final judgment issued in *Commonwealth of Massachusetts et al. v. Robert*  
*F. Kennedy, Jr., et al.*, No. 1:25-cv-10814-WGY, Dkt. 151 (D. Mass. June 23, 2025) and (b) the  
 25 number of terminated awards by Agency Defendant that are deemed contracts subject to the

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26 <sup>2</sup> As noted in Plaintiffs’ supplemental brief (Dkt. 47 at 1-2), however, Plaintiffs maintain that  
 27 Defendants’ initial production was not fully compliant with the Court’s order and that future  
 28 productions should include, at a minimum, the specifics of the methods the agencies used to  
 identify grants for termination (e.g., the actual key words, spreadsheets, search prompts, etc.).

<sup>3</sup> Defendants maintain their original objections to expedited discovery.

1 Federal Acquisition Regulations, as opposed to grants.

2 As set forth below, Defendants agree to file and serve the full administrative record no  
 3 later than September 2, 2025. Defendants agree to provide, if possible, productions on a rolling  
 4 basis. The Parties are conferring on the contents of an administrative record, but presently expect  
 5 that it will consist of (1) agencywide grant termination documents such as policy memos and  
 6 other related records and (2) representative grant termination files and termination letters,  
 7 including specific grant termination files and letters identified by Plaintiffs if Plaintiffs so choose  
 8 for an individual agency defendant.

9 The Defendants will file the record index and certification via CM/ECF and provide the  
 10 record itself to the Court and the parties on flash drives, electronic file transfer service, or a  
 11 similar electronic medium. The parties will confer in advance to attempt to resolve any  
 12 differences over the record's contents. If the Defendants need additional time to file the  
 13 administrative record, the Parties will inform the Court via a subsequent joint status report.

14 Further, on or before September 8, 2025, the Parties will file a joint status report  
 15 indicating whether (1) the administrative record is complete and they intend to proceed directly to  
 16 summary judgment briefing per the schedule below, or (2) Plaintiffs intend to first file a motion to  
 17 augment the record before proceeding to summary judgment briefing (with any necessary  
 18 proposed adjustments to the briefing schedule set forth below).

## 19 **IX. CLASS ACTIONS**

20 Plaintiffs seek to maintain this case as a class action under Rule 23(b)(2) as set forth at  
 21 length in the briefing on Plaintiffs' motion for class certification. Dkts. 18, 36, 41.

## 22 **X. RELATED CASES**

23 Although there are many cases filed throughout the country addressing similar matters, the  
 24 Parties are aware of no cases that are related in the sense contemplated by Civil Local Rule 3-  
 25 12(a).

## 26 **XI. RELIEF**

27 Plaintiffs seek declaratory and injunctive relief, as set forth in their Prayer for Relief. Dkt.  
 28 1 at 99-100.

**XII. SETTLEMENT AND ADR**

The Parties are not contemplating alternative dispute resolution at this time.

**XIII. OTHER REFERENCES**

The case is not suitable for reference to binding arbitration, a special master, or the Judicial Panel on Multidistrict Litigation.

**XIV. NARROWING OF ISSUES**

The Parties intend to work together to seek to reach as many stipulations as possible on factual and evidentiary matters.

**XV. SCHEDULING**

The Parties set forth their proposed schedule below through summary judgment.

<b>Event / Deadline</b>	<b>Proposed Date</b>
Plaintiffs file an amended complaint with additional proposed class representatives	July 18, 2025
Defendants produce expedited discovery for additional agencies	July 25, 2025
Plaintiffs move to extend the scope of preliminary injunction & provisionally certified class	August 1, 2025
Defendants file opposition to Plaintiffs' motion to extend the scope of preliminary injunction & provisionally certified class	August 8, 2025
Plaintiffs file reply in support of motion to extend the scope of preliminary injunction & provisionally certified class	August 12, 2025
Hearing on motion to extend the scope of preliminary injunction & provisionally certified class	To be set by Court if the Court deems such a hearing necessary
Defendants complete production of full administrative record	September 2, 2025
Parties file joint status report on administrative record and whether Plaintiffs will move to augment record	September 8, 2025
Plaintiffs move for summary judgment and a renewed memorandum in support of class certification, if necessary	October 10, 2025

Event / Deadline	Proposed Date
Defendants file opposition to Plaintiffs' motion for summary judgment , cross-motion for summary judgment, and file an updated memorandum opposing Plaintiffs' motion for class certification.	November 7, 2025
Plaintiffs file reply in support of summary judgment and class certification.	November 21, 2025
Hearing on the motions for summary judgment and class certification and, if appropriate, bench trial on remaining issues	To be set by Court if the Court deems such a hearing necessary

## 9 XVI. TRIAL

10 Pursuant to Civil Local Rule 16-5, the Parties anticipate that this matter likely will be  
 11 resolved on Plaintiffs' motion for summary judgment (and any cross-motions filed by  
 12 Defendants). As noted above, however, if any issues or claims are deemed incapable of resolution  
 13 via summary judgment, Plaintiffs propose an expedited bench trial of no more than one day to  
 14 take place in conjunction with the summary judgment hearing. Defendants anticipate that, in the  
 15 event that the case cannot be resolved on a first round of summary judgment motions, a second  
 16 round may sufficiently resolve any remaining issues. Defendants would therefore propose that the  
 17 Parties file a joint status report within 30 days of the Court deciding that the case cannot be fully  
 18 resolved on the first round of summary judgment briefing to advise the Court as to the Parties'  
 19 positions on further proceedings. If the Court determines summary judgment incapable of  
 20 resolving all claims and issues, Defendants agree that a bench trial of no more than one day may  
 21 be appropriate.

## 22 XVII. DISCLOSURE OF NON-PARTY INTERESTED ENTITIES OR PERSONS

23 Pursuant to Civil L.R. 3-15, Plaintiffs filed a separate Certification of Conflicts and  
 24 Interested Entities or Persons. Dkt. 2.

## 25 XVIII. PROFESSIONAL CONDUCT

26 Counsel certify they have reviewed the Guidelines for Professional Conduct in the  
 27 Northern District of California.  
 28

1           **XIX. OTHER MATTERS**

2           Pursuant to this Court's Case Management Scheduling Order (Dkt. 56), Defendants  
3 confirm the following steps have been taken to comply with the Injunction Order:

4           EPA, NEH, and NSF have been advised of the entirety of the Court's order and opinion,  
5 both of which were shared with the agencies.

6           As to the prior termination component of the Court's order, each agency has been advised  
7 to identify all grants terminated from and after January 20, 2025 where "University of California  
8 researchers, including faculty, staff, academic appointees, and employees across the University of  
9 California []are named as principal researchers, investigators, or project leaders on the grant  
10 applications for previously awarded research grants by the EPA, NSF, or NEH (or their sub-  
11 agencies)." The agencies have been advised to then identify whether any of those grants were not  
12 terminated using "a form termination notice that does not provide a grant-specific explanation for  
13 the termination that states the reason for the change to the original award decision and considers  
14 the reliance interests at stake" and were also not terminated pursuant to Executive Orders 14151  
15 and 14173. At present, Defendants have not identified any grant terminations at EPA, NSF, or  
16 NEH, involving the group of researchers identified in the Court's order, that will not be restored  
17 by the Court's order. All agencies are presently working on restoring grants and Defendants will  
18 have estimates of the remaining time to fully restore all relevant grants, or confirming that all  
19 such grants have been restored, at the July 2 hearing.

20           EPA, NSF, and NEH believe that they have the technical capability to identify grants  
21 based on the institutional affiliation of primary researchers, investigators, and project leaders. One  
22 method that Defendants have been using is to identify all awards where the Regents of the  
23 University of California, or a University of California campus, is a grantee or subgrantee, and to  
24 then check whether a faculty, staff, academic appointee, or employee across the University of  
25 California is named as a principal researcher, investigator, or project leader. However, a technical  
26 issue has arisen that Defendants are currently working to resolve. The SAM.gov/FSRS reporting  
27 requirement for prime awardees is that such awardees must only report first-tier subawards of  
28 \$30,000 or more. This means that any subawards lower than \$30K may not have been reported by

1 the prime recipients, and consequently some federal agencies may not be able to identify via  
 2 government data systems all grants where the Regents of the University of California, or a  
 3 University of California campus, is a subgrantee. Defendants are working to collect any other  
 4 compliance-related issues to discuss at the July 2 hearing.

5 As to the future termination component of the Court's order, the agencies have been  
 6 advised that the Court's order will immediately vacate any termination of grants where  
 7 "University of California researchers, including faculty, staff, academic appointees, and  
 8 employees across the University of California []are named as principal researchers, investigators,  
 9 or project leaders on the grant applications" that are either accomplished via (1) a form  
 10 termination letter as described in the Court's order or (2) pursuant to Executive Orders 14151 or  
 11 14173. The agencies were further advised that any such grants would then be restored and  
 12 reinstated by operation of the Court's order.

13 Dated: June 30, 2025

By: /s/ Kevin Budner

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6 *Attorneys for Plaintiffs and the Proposed Class*

7

8 Date: June 30, 2025

9 By: /s/ Jason Altabet

10 Respectfully submitted,

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12 Assistant Attorney General  
Civil Division

13 ERIC J. HAMILTON  
14 Deputy Assistant Attorney General

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Assistant Branch Director

16 /s/ Jason Altabet  
17 JASON ALTABET (Md. Bar No. 2211280012)  
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20 *Attorneys for United States*

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**ATTESTATION PURSUANT TO CIVIL LOCAL RULE 5-1(I)(3)**

I, Kevin R. Budner, am the ECF User whose identification and password are being used to file this JOINT CASE MANAGEMENT STATEMENT. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that all signatories have concurred in this filing.

DATED: June 30, 2025

/s/ Kevin R. Budner  
Kevin R. Budner

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